

Because of the nature of the conflicting evidence, the Administrative Law Judge had to have found claimant a credible witness. The Administrative Law Judge was in the

unique position of observing claimant while she testified and, therefore, able to assess her demeanor and credibility. In this instance, the Appeals Board gives some deference to the Judge's opinion of claimant's credibility. When considering the entire record, including the statements of claimant's friend, Janice M. Kollmai, the Appeals Board agrees with the Administrative Law Judge's conclusion that claimant sustained a work-related accident on February 15, 1996.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge Nelsonna Potts Barnes dated May 13, 1996, should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of July 1996.

BOARD MEMBER

c: Kelly Johnston, Wichita, KS
D. Steven Marsh, Wichita, KS
Nelsonna Potts Barnes, Administrative Law Judge
Philip S. Harness, Director